



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, September 15, 2010

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Philip M. Goldstein, Ward 7 Council Member

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20101026 City-County Communications & Marketing Association (3-CMA) First Place National Award to Marietta for exceptional public information delivery

Recognition of the city of Marietta winning the National First Place Award from the City-County Communications and Marketing Association for best digital interactive public information program in the United States. Matthew Daily, manager of this program, will be presented with the National Award which was recently given at the 3-CMA National Convention.

20100887 Georgia Chief of the Year

Recognition by Mayor Steve Tumlin and the City Council of Chief Daniel Flynn winning the "Georgia Chief of the Year" award by the Georgia Association of Chiefs of Police (GACP).

20100924 Recognition of Fleet Maintenance

Fleet Equipment Magazine named Marietta's internal program to maintain its vehicles one of the top 100 in the country for the fifth year in a row.

PROCLAMATIONS:**20100957 Proclamation - Public Power Week**

Rodney Scarbro receives a Proclamation declaring October 10-16, 2010 as the 24th annual Public Power Week in order to celebrate the benefits and contributions of hometown utilities to the community.

20100958 Proclamation - Clean Water Week

Ms. Karmen Scarbro receives a Proclamation declaring October 10-16, 2010 as Clean Water Week in the City of Marietta.

20100973 Proclamation -October 3-9, 2010 as "Smoke Alarms: A sound you can live with!" week

Proclamation presented to George McKeehan, Marietta Fire Department, declaring the week of October 3-9, 2010, as "Smoke Alarms: A sound you can live with!" that encompasses developing a safety plan to include smoke alarms and residential sprinkler installations and maintenance, as well as a home fire inspection plan to aid in preventing and limiting home fires.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:*** 20101006 Regular Meeting - August 11, 2010**

Review and approval of the August 11, 2010 regular meeting minutes.

*** 20101014 Special Meeting - September 8, 2010**

Review and approval of the September 8, 2010 special meeting minutes.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:**

ORDINANCES:**20100884 Z2010-08 Amrep, Inc. 984 and 990 Industrial Park Drive and 1007 Marietta Industrial Drive**

Z2010-08 [REZONING] AMREP, INC. request rezoning for property located in Land Lots 10000 and 09990, District 16, Parcels 0110, 0120 and 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 984 and 990 Industrial Park Drive and 1007 Marietta Industrial Drive from LI (Light Industrial) to HI (Heavy Industrial). Ward 5.

Planning Commission recommends approval w/stipulations

Vote: 3 – 0 – 1 with Mrs. Watkins abstaining as she is employed by ep, Mfg. who recently purchased AMREP.

Motion: Mr. Diffley moved to approve the rezoning to include the Letter of Stipulations dated August 31, 2010, seconded by Mr. Carter.

Stipulation: To include the Letter of Stipulations from Parks F. Huff to Russell J. Roth dated August 31, 2010.

PUBLIC HEARING (all parties are sworn in)

20100893 Z2010-09 Fred H. Moore 120 Mountain View Road

Z2010-09 [REZONING] FRED H. MOORE request rezoning for property located in Land Lot 12240, District 16, Parcel 0360, 2nd Section, Marietta, Cobb County, Georgia and being known as 120 Mountain View Road from R-2 (Single Family Residential 2 units/acre) to R-4 (Single Family Residential 4 units/acre). Ward 3.

Planning Commission recommends approval as submitted Vote: 4 – 0 – 0

Motion: Mrs. Watkins made a motion to recommend to City Council that this rezoning be approved, as submitted, seconded by Mr. Diffley.

Stipulation: n/a

PUBLIC HEARING (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:**

COMMITTEE REPORTS:**1. Economic/Community Development: Grif Chalfant, Chairperson***** 20100949 2011 CDBG Program Funding**

Approval of a Resolution authorizing the City's FFY2011CDBG submittal of HUD updated project list.

2. Finance/Investment: Annette Lewis, Chairperson*** 20100941 Fiscal Year 2011 Audit**

Motion approving audit services by Moore & Cubbedge for current Fiscal Year 2011.

*** 20100942 Capital Asset Purchase Plan**

Approval of an Ordinance amending the Fiscal Year 2010 Budget to appropriate and transfer \$860,000 in planned savings from the General Fund to the Citywide Projects Fund for the future purchase of capital assets.

*** 20100974 Capital Asset Purchases**

Approval of an Ordinance amending the FY2011 Citywide Projects Fund Budget to appropriate \$860,000 of prior year planned savings for purchase of capital assets.

*** 20100943 Edward Byrne Memorial Justice Assistance Grant**

Approval of an Ordinance amending the Fiscal Year 2011 Grant Fund to receive and appropriate a grant from the Department of Justice for \$53,995 to purchase two police vehicles for uniform patrol.

*** 20100944 Law Enforcement Grant from Target Stores**

Approval of an Ordinance amending the Fiscal Year 2011 General Fund to receive and appropriate a donation from Target Stores for \$1,000 for public relations events.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20100968 Code Amendment - Section 724.02 Definitions of terms**

Motion to authorize advertisement of amendments to the Zoning Ordinance regarding Section 724.02, Definitions of terms dealing with grass and weed height and other matters.

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

* **20100899 Pocket Park**

Motion to approve the concept to allow the land on the North Loop between Church Street and Cherokee Street to be used as a pocket park.

5. Personnel/Insurance: Van Pearlberg, Chairperson

20101022 CareHere, LLC Contract

Motion to approve a contract between the city of Marietta and CareHere, LLC for the establishment of a city of Marietta/BLW medical office.

20100931 Group Health Plan Administration and City Medical Office

Motion to approve the renewal of the group health plan administration with Blue Cross/Blue Shield of Georgia, Inc. for calendar year 2011 and to approve the contribution rate structures, including the establishment of a City of Marietta/BLW medical office. In the event the mandated changes made in whole or in part to the city's plan to come into compliance with the 2010 National Health Care Reform Law as passed on February 23, 2010 are found to be unconstitutional or unenforceable, are rescinded, or are repealed or become discretionary, then those portions of the city's plan shall be deleted automatically, rescinded and revoked consistent with such action without any further action of the City Council of the City of Marietta. Further, authority is requested to approve the administrative agreement with Blue Cross/Blue Shield of Georgia, Inc.

* **20100950 Historic Preservation Commission Appointments**

Appointment of David Freedman (Ward 2) and Ray Worden (Ward 4) to the Marietta Historic Preservation Commission for a three-year term expiring September 14, 2013.

* **20100953 National League of Cities (NLC)**

Motion approving travel expenses for Mayor and Council members who wish to attend the National League of Cities (NLC) Congressional City Conference in Denver, CO, November 30 - December 4, 2010.

20100849 Grass Height

Approval of an Ordinance amending Code Section 7-4-2-110, Sanitary Conditions and Procedures regarding grass height and fines.

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20100922 City Emergency Operations Plan (MEOP)**

Motion approving the Emergency Operations Plan as presented.

7. Public Works Committee: Jim King, Chairperson

* **20100935 Stokes Avenue and Philips Drive**

No Parking Signs - Stokes Avenue

Motion authorizing Public Works to install signs along the following sections of public streets:

No Parking on Street signs along both sides of Stokes Avenue from Lakewood Avenue to Phillips Drive;

No Parking along South Side of Phillips Drive from the western property line of 348 Stokes Avenue to Stokes Avenue;

No Parking along the North Side of Phillips Drive from the western property line of 385 Phillips Drive to Stokes Avenue.

* **20100937 Lockheed Avenue No Parking Zone**

Motion authorizing Public Works to install signs stating "No parking Any Time" along the east frontage of Lockheed Avenue between the driveways to 339 and 351 Lockheed Avenue.

* **20100938 Kennesaw Mountain to Chattahoochee Trail South Section**

Motion to approve the contract with the Georgia Department of Transportation for the purchase of Right of Way for the Kennesaw Mountain to Chattahoochee Trail South Section ROW project.

* **20100969 City Council Resolution - March 2011 SPLOST**

Approval of a Resolution of request for Cobb County to move forward with the March 2011 SPLOST.

SCHEDULED APPEARANCES:

20100927 Scheduled Appearance - Yousaf Shaikh

Dorsey Manor
117 Haynes Street, Apt. 420
Speaking relative to Comcast at 217 Cobb Parkway - lack of public restroom facilities

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

20100312 V2010-08 Georgia-Cumberland Association (Marietta Seventh Day Adventist Church) 1440 Field Park Circle

Motion to Approve V2010-08 [VARIANCE] GEORGIA-CUMBERLAND ASSOCIATION (MARIETTA SEVENTH DAY ADVENTIST CHURCH) variances for property located in Land Lot 08680, District 16, Parcel 0080 and being known as 1440 Field Park Circle. Ward 4.

1. Variance to locate an additional use on a parcel with an existing general advertising/off-premise sign;
2. Variance to reduce the required distance between a general advertising/off-premise sign and a church or school from 500 feet to 204 feet;
3. Variance to reduce the minimum driveway width from 20 feet to 15 feet.

* **20100951 V2010-21 First Landmark Bank 307 N. Marietta Parkway**

Motion to approve V2010-21 [VARIANCE] FIRST LANDMARK BANK request variance for property located in Land Lot 11440, District 16, Parcel 2170 and being known as 307 North Marietta Parkway. Variance to eliminate the required 6-foot privacy fence along the western property line adjacent to 264 Fowler Circle.

Mayor Steve Tumlin has an ownership interest in First Landmark Bank.

Council Member Goldstein disclosed that the First Landmark Bank leases parking spaces at 48 Atlanta Street and is a subtenant in an adjacent building. Council Member Goldstein does not have any ownership interest in First Landmark Bank or in First Landmark Bank's new location.

* **20100959 Preston Chase Demolition**

Motion to approve \$410,643.00 to be allocated from the Park Bond funds for the demolition of the Preston Chase Apartment Complex from the line item 'Development of Parks, Facilities, Trails and Greenspace'.

Council member Coleman voting against.

* **20101023 Agreement for Livable Centers Initiative Project**

Motion to approve the Agreement for Livable Centers Initiative Project between Department of Transportation State of Georgia and City of Marietta for the construction of the Roswell Street Streetscapes Phase II.

* **20101024 Cobb County Parking Deck Erection Schedule and Street Closures**

Motion to approve a request from Choate Construction to temporarily close west bound Lawrence Street lanes between Waddell and Haynes Street beginning September 16, 2010 through October 8, 2010 and temporary road closure on Haynes Street between Lawrence Street and Hansell Street beginning October 11, 2010 through December 17, 2010 for the erection of the Cobb County Parking Deck. Public Works is given the discretion to modify the closure dates as necessary.

* **20101010 BLW Actions of September 13, 2010**

Review and approval of the September 13, 2010 actions and minutes of the Marietta Board of Lights and Water.

ADJOURNMENT: